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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/957,022	09/21/2001	Evelyn Boettcher	P 0271811	4877
909	7590	11/19/2003	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			DUVERNE, JEAN F	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/957,022

Applicant(s)

BOETTCHER ET AL.

Examiner

Jean F. Duverne

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 5-9, 14-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-19 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) 12, 13 is/are objected to.
- 8) ☐ Claim(s) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s)
- 4) ☐ Interview Summary (PTO-413) Paper No(s)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jin et al (US patent 6,055,348).

~~In regard to claims 1-3, 10,~~ Jin's device discloses a compliant support block at 16 having a longitudinal axis, a load receiving surface oriented substantially parallel to the longitudinal axis, the load receiving surface being suitable for receiving an applied load (14) disposed on the compliant support, a Bragg-grating (see col. 1, lines 29-65 or **col. 4, lines 50-58**) disposed in the compliant support block and extending substantially along and an angle to longitudinal axis of the compliant support block; an optical multiplexer/demultiplexer in the optical communication with optical signal or signal transmission of the waveguide (see cols 8-9, lines 54-26). However, Jin's device fails to explicitly disclose the orthogonal direction of the applied load. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the orthogonal direction of the applied load instead of being parallel, since it has been held that rearranging parts of an invention involves only routine skill in the art. In re Japikse, 86 USPQ 70.

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Response to Amendment

Applicant's arguments filed on 8/19/2003 in regard to claims 1-4 have been fully considered but they are not persuasive. The examiner disagrees with applicant statement that the section from prior art is considered for defining the compliant support with Bragg-grating. It is defined everywhere in the reference: For instance, see **col. 4, lines 50-58**. The claims do not define "structural structure features" that distinguish over prior art: For example, therm compliant support block as recited in the claim is broad, the support block in Jin's device defined the support block. The structure (16) hold or support the body (14), and gating features at 12: Jin's device discloses a compliant support block at 16 having a longitudinal axis, a load receiving surface oriented substantially parallel to the longitudinal axis, the load receiving surface being suitable for receiving an applied load (14) disposed on the compliant support, a Bragg-grating (see col. 1, lines 29-65 or **col. 4, lines 50-58**) disposed in the compliant support block and extending substantially along and an angle to longitudinal axis of the compliant support block; an optical multiplexer/demultiplexer in the optical communication with optical signal or signal transmission of the waveguide (see cols 8-9, lines 54-26). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Allowable Subject Matter

2. Claims 5-19 are allowed. Prior art fails to disclose the plurality of microsphere located in the compliant support block between the rigid support bar and the Bragg-grating fiber in combination with the rest of the claim(s) limitations.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duverne whose telephone number is (703) 305 - 0297 . The examiner can normally be reached from 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on (703)308-2710. The fax phone number for this Group is (703) 308 - 7722.

Any inquiry of a general nature or relating to the status of this application or proceeding

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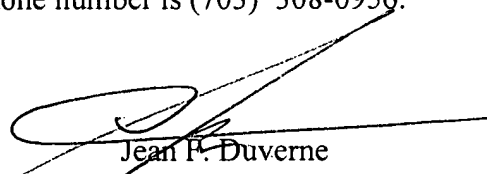
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should be directed to the Group receptionist whose telephone number is (703) 308-0956.

JFD

November 3, 2003
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Jean P. Duverne

Primary Patent Examiner, Art Unit